

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	TRADEMARK DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/920,433	08/29/01	ROSENTHAL	DOCKETED K 014208-1183 43-97-001

DAVID G. WILLIE, Esq.,
BAKER BOTTS L.L.P.
2100 ROSS AVENUE
SUITE 600
DALLAS TX 75201-2950

WM0271023

EXAMINER

THOMSON, R

ART UNIT

PAPER NUMBER

2123

DATE MAILED:

10/23/01

Appeal Due:
August 23, 2001

Deadline to file: November 23, 2001

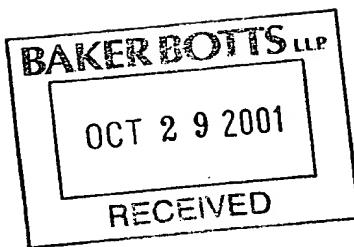
Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

RECEIVED

MAY 08 2006

Technology Center 2100

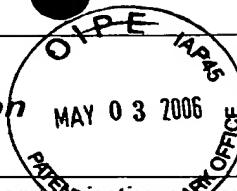


Docket _____ ✓ Wrapper _____ ✓

RVF Docketed _____ N/A _____

Reference(s) _____

Advisory Action



Application No. 08/920,433	Applicant(s) Rosenthal	Technology Center 2100
Examiner William Thomson	Art Unit 2123	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

THE REPLY FILED Sep 24, 2001 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY [check only a) or b)]

a) The period for reply expires 3 months from the mailing date of the final rejection.

b) In view of the early submission of the proposed reply (within two months as set forth in MPEP § 706.07 (f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for the reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. A Notice of Appeal was filed on _____ . Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.
3. The proposed amendment(s) will not be entered because:
 - (a) they raise new issues that would require further consideration and/or search. (See NOTE below);
 - (b) they raise the issue of new matter. (See NOTE below);
 - (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: _____

4. Applicant's reply has overcome the following rejection(s):

5. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claim(s).
6. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attached.

7. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
8. For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):
Claim(s) allowed: _____
Claim(s) objected to: _____
Claim(s) rejected: 1-19 _____
9. The proposed drawing correction filed on _____ a) has b) has not been approved by the Examiner.
10. Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
11. Other: _____

JEFFREY J. TESTA
SUPERVISORY
PATENT EXAMINER

Art Unit: 2123

ADVISORY ACTION

1. Examiner rejected the claims in total. Each and every limitation recited within the pending claims were in fact examined in view of the prior art asserted. The rejection is clear to the issues at hand. The prior art rejections stand.
2. Applicant in reviewing the specification, should note that the term/phrase "community" is by her own definition a "group[ing]". The claims are read in light of the specification, limitations have not been read into the claims. When a term/phrase is ambiguous, such as "community" in the context of the claims, the Examiner must go to the specification to distill what Applicant is actually intending to claim as her invention. The rejection is clear to the issues at hand. The rejections stand.
3. Examiner has made a proper factual finding by weighing all the issues as outlined in MPEP 2164. Applicant is respectfully directed to further review MPEP § 2164.08 (scope or breadth of the claims), § 2164.05(a) (nature of the invention and state of the prior art), § 2164.05(b) (level of one of ordinary skill), § 2164.03 (level of predictability in the art and amount of direction provided by the inventor), § 2164.02 (the existence of working examples) and § 2164.06 (quantity of experimentation needed to make or use the invention based on the content of the disclosure)." The rejection is clear to the issues at hand. The rejection stands.
4. Applicant has overcome the new matter objection. Examiner withdraws the object. When filing new figures and supportive text, it is proper to provide where such amendments find support in the originally filed specification at the time of filing such amendments.

Art Unit: 2123

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Thomson whose telephone number is (703) 305-0022. The examiner can be usually reached between 9:30 a.m. - 4:00 p.m. Monday thru Friday. Voice mail is checked throughout the day. Please leave a detailed message.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Kevin Teska, can be reached on 704-305-9704. The fax phone number for this Group is 703-308-1396.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is 703-305-3900.

William D. Thomson

Patent Examiner
A.U. 2123
October 17, 2001



KEVIN J. TESKA
SUPERVISORY
PATENT EXAMINER